1 2 3 4 5 6	J. Andrew Coombs (SBN 123881) andy@coombspc.com Annie S. Wang (SBN 243027) annie@coombspc.com Nicole L. Drey (SBN 250235) nicole@coombspc.com J. Andrew Coombs, A Prof. Corp. 517 East Wilson Avenue, Suite 202 Glendale, California 91206 Telephone: (818) 500-3200 Facsimile: (818) 500-3201	
7 8	Facsimile: (818) 500-3201 Attorneys for Plaintiff Adobe Systems Incorporated	
9 10 11	Karl Karst, an individual and d/b/a Fox Tree Software kwk3641@comcast.net 133 Pandora Drive Goose Creek, South Carolina Telephone: (843) 797-2459	
12	Defendant, in pro se	
13 14	UNITED STATES	DISTRICT COURT
15	NORTHERN DISTRICT OF	F CALIFORNIA (SAN JOSE)
16	Adobe Systems Incorporated,) Case No. C10-3626 LHK
17 18	Plaintiff, v.) [PROPOSED] PERMANENT) INJUNCTION AND DISMISSAL WITH) PREJUDICE
19	Karl Karst, an individual and d/b/a Fox Tree Software and Does 1 – 10, inclusive,))
20	Defendants.	ý
21 22 23 24 25 26 27	Dismissal with Prejudice that has been executed ("Plaintiff") and Defendant Karl Karst, an individual this action, and good cause appearing therefore, l	dual and d/b/a Fox Tree Software ("Defendant") in nereby: lation and only as to Defendant, his successors,
28		

- This Court has jurisdiction over the parties to this action and over the subject matter hereof pursuant to 17 U.S.C. § 101 *et seq.*, 15 U.S.C. § 1051, *et seq.*, 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338. Service of process was properly made against Defendant.
- 2) Plaintiff is the owner of all rights in and to the copyright and trademark registrations listed in Exhibits A and B attached hereto and incorporated herein by this reference (collectively referred to herein as "Plaintiff's Properties").
- 3) Plaintiff has alleged that Defendant has made unauthorized uses of Plaintiff's Properties or substantially similar likenesses or colorable imitations thereof.
- 4) Defendant and his agents, servants, employees and all persons in active concert and participation with them who receive actual notice of the Injunction are hereby restrained and enjoined from:
 - a) Infringing Plaintiff's Properties, either directly or contributorily, in any manner, including generally, but not limited to manufacturing, importing, distributing, advertising, selling and/or offering for sale any unauthorized product which features any of Plaintiff's Properties ("Unauthorized Products"), and specifically from:
 - i) Importing, manufacturing, distributing, advertising, selling and/or offering for sale the Unauthorized Products or any other unauthorized products which picture, reproduce, copy or use the likenesses of or bear a substantial similarity to any of Plaintiff's Properties;
 - ii) Importing, manufacturing, distributing, advertising, selling and/or offering for sale in connection thereto any unauthorized promotional materials, labels, packaging or containers which picture, reproduce, copy or use the likenesses of or bear a confusing similarity to any of Plaintiff's Properties;
 - iii) Engaging in any conduct that tends falsely to represent, or is likely to confuse, mislead or deceive purchasers, Defendant's customers and/or members of the public to believe, that the actions of Defendant, the products sold by Defendant,

or Defendant himself are connected with Plaintiff, are sponsored, approved or licensed by Plaintiff, or are affiliated with Plaintiff;

- iv) Affixing, applying, annexing or using in connection with the importation, manufacture, distribution, advertising, sale and/or offer for sale or other use of any goods or services, a false description or representation, including words or other symbols, tending to falsely describe or represent such goods as being those of Plaintiff.
- 5) Each side shall bear its own fees and costs of suit.
- 6) Except as provided herein, all claims alleged in the Complaint are dismissed with prejudice.
- 7) This Injunction shall be deemed to have been served upon Defendant at the time of its execution by the Court.
- The Court finds there is no just reason for delay in entering this Injunction and, pursuant to 8) Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs immediate entry of this Injunction against Defendants.
- 9) The Court shall retain jurisdiction of this action to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Injunction.
- 10) The above-captioned action shall, upon filing by Plaintiff of the Joint Stipulation re Entry of [Proposed] Judgment and [Proposed] Final Judgment and requesting entry of judgment against Defendant, be reopened should Defendant default under the terms of the Settlement Agreement.

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1 2	11) This Court shall retain jurisdiction over the Defendant for the purpose of making further
3	orders necessary or proper for the construction or modification of this consent decree and
4	judgment; the enforcement hereof; the punishment of any violations hereof, and for the possible
5	entry of a further Judgment Pursuant to Stipulation in this action.
	DATED: N. 1 5 2010
6	DATED: November 5, 2010
7 8	Hon, Lucy J Hoh Judge, United States District Court
9	for the Northern District of California
10	PRESENTED BY:
11	J. Andrew Coombs, A Professional Corporation
12	By: Nacole L Ovan
13 14	J. Andrew Coombs Nicole L. Drey Attorneys for Plaintiff
15	Adobe Systems Incorporated
16	Karl Karst, an individual and
17	d/b/a Fox Tree Software
18	By: March 2 March
19	and d/b/a Fox Tree Software
20	Defendant, in pro se
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22	
23	
24	
25	
26	

EXHIBIT A Copyright Registrations

Title of Worl.	Copyright Registration	
Title of Work	No.	
Acrobat 3D	TX0006277233	
Acrobat Capture 1.0.	TX0004559023	
Acrobat Capture 1.0.	TX0004559023	
Acrobat Capture 2.0.	TX0004509574	
Acrobat Capture 2.0.	TX0004509574	
Acrobat Catalog for Windows.	TX0004001286	
Acrobat Catalog for Windows.	TX0004001286	
Acrobat Distiller 2.1 for Macintosh.	TX0004169553	
Acrobat Distiller 2.1 for Macintosh.	TX0004169553	
Acrobat Distiller 2.1 for Microsoft Windows.	TX0004169555	
Acrobat Distiller 2.1 for Microsoft Windows.	TX0004169555	
Acrobat Distiller for Microsoft Windows.	TX0003893510	
Acrobat Distiller for Microsoft Windows.	TX0003893510	
Acrobat Exchange 2.0 for Macintosh.	TX0004001287	
Acrobat Exchange 2.0 for Macintosh.	TX0004001287	
Acrobat Exchange 2.1 for Macintosh.	TX0004169554	
Acrobat Exchange 2.1 for Macintosh.	TX0004169554	
Acrobat Exchange 2.1 for UNIX.	TX0004231310	
Acrobat Exchange 2.1 for UNIX.	TX0004231310	
Acrobat Exchange and Acrobat Reader for Macintosh.	TX0003611923	
Acrobat Exchange and Acrobat Reader for Macintosh.	TX0003611923	
Acrobat Exchange and Acrobat Reader for Windows.	TX0003611922	
Acrobat Exchange and Acrobat Reader for Windows.	TX0003611922	
Acrobat Reader 2.0 for Windows.	TX0003893506	
Acrobat Reader 2.0 for Windows.	TX0003893506	
Acrobat Reader 3.0.	TX0004509573	
Acrobat Reader 3.0.	TX0004509573	
Acrobat Search for Macintosh.	TX0003991344	
Acrobat Search for Windows.	TX000391344 TX0003978856	
Acrobat Search for Windows.	TX0003978856	
Acrobat.	TX0003978636	
Adobe Accelio Capture Advanced Client 4.0 for Windows.	TX0001044799	
Adobe Accelio Integrate Suite 6.0 for Windows.		
	TX0005553342	
Adobe Acrobet 3.0 for Macintosh, Windows and UNIX.	TX0004583920	
Adobe Acrobet 4.0	TX0004583920	
Adobe Acrobat 5.0 for Magistash	TX0004961793	
Adobe Acrobat 5.0 for Macintosh.	TX0005545266	
Adobe Acrobat 5.0 Cotting Started Coulds	TX0005545265	
Adobe Acrobat 5.0 Getting Started Guide.	TX0005545267	
Adobe Acrobat 6.0 for Macintosh.	TX0005748744	
Adobe Acrobat 6.0 for Windows.	TX0005748745	
Adobe Acrobat 7.0 Standard for Macintosh.	TX0006045087	
Adobe Acrobat 7.0 Standard for Windows.	TX0006045086	
Adobe Acrobat 8 Professional for Macintosh.	TX0006390830	
Adobe Acrobat 8 Professional for Windows.	TX0006390827	

Adobe v. Karst: Proposed Perm. Inj. and Dismissal

1	Adobe Acrobat 8 Standard for Macintosh.	TX0006390829
	Adobe Acrobat 8 Standard for Windows.	TX0006390828
2	Adobe Acrobat Approval 5.0 for Macintosh.	TX0005654837
_	Adobe Acrobat Approval 5.0 for Macintosh.	TX0005654837
3	Adobe Acrobat Approval 5.0 for Windows.	TX0005436556
4	Adobe Acrobat Capture 3.0 source code.	TX0005199559
4	Adobe Acrobat Connect 1.0 for Macintosh.	TX0006390834
5	Adobe Acrobat Connect 1.0 for Windows.	TX0006390835
3	Adobe Acrobat Distiller Server 5.0.5.	TX0005758527
6	Adobe Acrobat Distiller Server 6.0 for UNIX.	TX0005847807
	Adobe Acrobat Distiller Server 6.0 for Windows.	TX0005847832
7	Adobe Acrobat eBook Reader v. 2.0.	TX0005335249
	Adobe Acrobat eBook Reader v. 2.0.	TX0005335250
8	Adobe Acrobat Elements 1.0 for Windows.	TX0005611299
0	Adobe Acrobat Elements 6.0 for Windows.	TX0005780821
9	Adobe Acrobat Elements Server 6.0 for Windows.	TX0005848340
10	Adobe Acrobat Fill in 4.0.	TX0004241942
10	Adobe Acrobat Inproduction 1.0.	TX0005200942
11	Adobe Acrobat Inproduction 1.0.	TX0005200542
	Adobe Acrobat Messenger 1.0.	TX0005200542
12	Adobe Acrobat Reader 5.0 for Macintosh.	TX0005241205
	Adobe Acrobat Reader 5.0 for Windows.	TX0005412875
13	Adobe Acrobat Reader 5.0.5 for AIX.	TX0005412073
	Adobe Acrobat Reader 5.0.5 for HP-UX.	TX0005605113
14	Adobe Acrobat Reader 5.0.5 for Solaris.	TX0005617024
15	Adobe Acrobat Reader 5.05 for Linux.	TX0005617021
13	Adobe Acrobat Reader 5.1 for Macintosh.	TX0005620676
16	Adobe Acrobat Reader 5.1 for Windows.	TX0005620677
	Adobe Acrobat Reader for Palm OS 1.0 for Windows.	TX0005422793
17	Adobe Acrobat Reader for Palm OS 2.0 (Macintosh)	TX0005617023
	Adobe Acrobat Reader for Palm OS 2.0 (Windows)	TX0005617022
18	Adobe Acrobat Reader for Palm OS Beta Windows.	TX0005422794
19	Adobe Acrobat Reader for Pocket PC : Version 1.0.	TX0005489269
19	Adobe ActiveShare 1.0.	TX0005086423
20	Adobe ActiveShare 1.5 for Windows.	TX0005267528
	Adobe After Effects: 7.0 Professional for Windows.	TX0006277334
21	Adobe After Effects: Version 5.0 for Macintosh.	TX0005392887
	Adobe After Effects: Version 5.0 for Windows.	TX0005438054
22	Adobe After Effects: Version 5.5 for Macintosh.	TX0005493399
	Adobe After Effects: Version 5.5 for Windows.	TX0005493400
23	Adobe After Effects: Version 6.0 for Macintosh.	TX0005777908
24	Adobe After Effects: Version 6.0 for Windows.	TX0005777907
24	Adobe After Effects 3.0 for Macintosh.	TX0004643401
25	Adobe After Effects 4.0 for Macintosh and Windows.	TX0005011464
	Adobe After Effects 5.5 Plug-in Power Pack for MacIntosh.	TX0005546626
26	Adobe After Effects 5.5 Plug-in Power Pack for Windows.	TX0005546627
	Adobe After Effects 6.5 for Macintosh.	TX0005934788
27	Adobe After Effects 7.0 Standard for Macintosh.	TX0006277333
	Adobe After Effects 7.0 Standard for Windows.	TX0006277335

1	Adobe After Effects CS3 Professional for Windows and Macintosh.	TX0006457851
	Adobe After Effects Production Bundle : Version 5.5 for Macintosh.	TX0005493398
2	Adobe After Effects Production Bundle : Version 5.5 for Windows.	TX0005493401
2	Adobe After Effects Production Bundle 5.0 for Macintosh.	TX0005392886
3	Adobe After Effects Production Bundle 5.0 for Windows.	TX0005392888
4	Adobe After Effects Version 6.5 for Windows.	TX0005934787
4	Adobe AlterCast 1.5 for Solaris.	TX0005520581
5	Adobe AlterCast 1.5 for Windows.	TX0005520583
	Adobe Atmosphere : Version 1.0 Public Beta.	TX0005401513
6	Adobe Atmosphere 1.0 for Windows.	TX0005780857
	Adobe Atmosphere Player 1.0 for Windows.	TX0005748760
7	Adobe Audition 1.0 for Windows.	TX0005777207
	Adobe Audition 1.5 for Windows.	TX0005932189
8	Adobe Audition 2.0 for Windows.	TX0006277359
0	Adobe Audition 3.0 for Windows.	TX0006816095
9	Adobe Barcoded Paper Forms Solution 1.0 for Macintosh.	TX0005936309
10	Adobe Captivate 2 for Windows.	TX0006390833
10	Adobe Carlson Regular.	TX0003374876
11	Adobe Caslon Alternate Bold Italic : Version 001.000.	TX0003501138
	Adobe Caslon Alternate Bold.	TX0003501547
12	Adobe Caslon Alternate Italic : Version 001.000.	TX0003501139
	Adobe Creative Suite 2 Premium for Macintosh.	TX0006131248
13	Adobe Creative Suite 2 Premium for Windows.	TX0006131245
	Adobe Creative Suite 2 Standard for Macintosh.	TX0006131247
14	Adobe Creative Suite 2 Standard for Windows.	TX0006131246
15	Adobe Creative Suite for Macintosh.	TX0005844481
13	Adobe Creative Suite for Windows.	TX0005844480
16	Adobe Dreamweaver CS3 Professional for Windows and Macintosh	TX0006534561
	Adobe Exchange 2.0 for Windows.	TX0003961129
17	Adobe Extension Manager CS3 for Windows and Macintosh.	TX0006531581
	Adobe Fireworks CS3 for Windows and Macintosh.	TX0006531654
18	Adobe Flash CS3 Professional for Windows and Macintosh.	TX0006531604
10	Adobe Flash CS3 Professional for Windows and Macintosh.	TX0006531604
19	Adobe Flash Media Encoder 1.0.	TX0006526716
20	Adobe Flash Media Encoder 1.0.	TX0006526716
20	Adobe Flash Player 9 for Linux.	TX0006476523
21	Adobe Flash Player 9 for Linux.	TX0006476523
	Adobe Flash Player 9 for Solaris.	TX0006457897
22	Adobe Illustrator: Version 5.0.1 (Mac).	TX0003846115
	Adobe Illustrator : Version 5.5 (Mac).	TX0003846114
23	Adobe Illustrator : Version 6.0 Macintosh.	TX0004240043
2.4	Adobe Illustrator 10 for Macintosh.	TX0005446858
24	Adobe Illustrator 10 for Windows.	TX0005446857
25	Adobe Illustrator 3.0.	TX0003000202
23	Adobe Illustrator 8.0 for Macintosh and Windows.	TX0004953097
26	Adobe Illustrator 9.0 for Macintosh and Windows.	TX0005159819
	Adobe Illustrator CS for Macintosh.	TX0005780817
27	Adobe Illustrator CS for Windows.	TX0005780806
	Adobe Illustrator CS3 for Windows and Macintosh.	TX0006531603
28		-

1	Adobe Illustrator.	TX0003380406
1	Adobe PageMaker 6.0 for Macintosh, Power Macintosh.	TX0003380408
2	Adobe PageMaker 6.5 Macintosh.	TX0004093314 TX0004524555
	Adobe PageMaker 7.0 for Macintosh.	TX0004324333
3	Adobe PageMaker 7.0 for Windows.	TX0005409447
_	Adobe Pagemaker Plug-in Pack for MacIntosh.	
4	Adobe Pagemaker Plug-in Pack for Windows.	TX0005847834
_	Adobe Photoshop : 5.5.	TX0005847833
5	Adobe Photoshop 6.0.	TX0005213806
6	Adobe Photoshop 7.0 for Macintosh.	TX0005196369
O	·	TX0005562147
7	Adobe Photoshop 7.0 for Windows. Adobe Photoshop Album 2.0 for Windows.	TX0005562148
	·	TX0005780785
8	Adobe Photoshop CS for Macintosh.	TX0005780846
	Adobe Photoshop CS for Windows. Adobe Photoshop CS2 for Macintosh.	TX0005780847
9	•	TX0006131272
	Adobe Photoshop CS2 Official JavaScript Reference	TX0006273756
10	Adobe Photoshop CS3 for Windows and Macintosh.	TX0006528611
11	Adobe Photoshop Elements: 4.0 for Macintosh.	TX0006277687
11	Adobe Photoshop Elements 1.0 for Macintosh and Windows.	TX0005329106
12	Adobe Photoshop Elements 2.0 for Macintosh. Adobe Photoshop Elements 2.0 for Windows.	TX0005592639
	<u>'</u>	TX0005592638
13	Adobe Photoshop Elements 4.0 for Windows. Adobe Photoshop Lightroom 1.0 for Macintosh and Windows.	TX0006139024
	Adobe Photoshop Macintosh.	TX0006526701
14	Adobe Photoshop Version 3.0 Mac.	TX0003551958
1.5	Adobe Photoshop Version 3.0 Windows.	TX0003971820 TX0003616850
15	Adobe Photoshop Version 5.0 Macintosh and Windows.	TX0003816830 TX0004856009
16	Adobe Photoshop Windows.	TX0004830009
10	Adobe Photoshop.	TX0003390143
17	Adobe Photoshop.	TX000400013
	Adobe Photoshop.	TX0002897138
18	Adobetype Manager Deluxe 4.6 User Guide : Macintosh.	TX0005176752
	Adope PhotoDeluxe, V1.0.	TX0004809739
19	Adope Photoshop : Version 4.0 : Macintosh and Windows.	TX0004571653
20	Authorware 7.0	TX0005800627
20	Contribute 4 (Mac)	TX0006471404
21	Designer 6.0 (Win)	TX0005932242
	Encore DVD 2.0	TX0006277348
22	Font Folio 9.0 (Mac)	TX0005401449
	Font Folio Open Type	TX0005845931
23	Form Manager 6.0	TX0006042527
2.4	Framemaker 7.0 (Mac)	TX0005596921
24	Framemaker 7.0 (Win)	TX0005596919
25	FreeHand MX (Mac)	TX0005746988
23	GoLive CS2 (Mac)	TX0006131268
26	GoLive CS2 (Win)	TX0006131269
	Illustrator CS2 (Mac)	TX0006131282
27	Illustrator CS2 (Win)	TX0006131283
	InCopy CS (Mac)	TX0005780859
28		

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InCopy CS (Win)	TX0005780858
InDesign CS2 (Mac)	TX0006139165
Macintosh Distiller.	TX0003893508
Macintosh PDF Writer.	TX0003893509
Macintosh Reader.	TX0003893511
Macromedia ColdFusion MX 7	TX0006201577
Macromedia Dreamweaver MX 2004	TX0005852659
Macromedia Fireworks MX 2004	TX0005839595
Macromedia Flash Lite 2.0	TX0006288632
Macromedia Flash Media Server 2	TX0006335779
Macromedia Flash MX 2004 Pro	TX0005852657
Macromedia RoboHelp HTML X5	TX0005944534
Macromedia RoboHelp X5	TX0005944535
Macromedia Shockwave for Authorware Run-time Version 3.5 [for	
Macintosh, Power Macintosh, Windows 3.1/95/NT]	TX0004695283
Macromedia Shockwave for FreeHand 5.0 (for Macintosh, Power	
Macintosh, Windows 3.1/95/NT)	TX0004671697
PhotoDeluxe 2.0 (Mac)	TX0004771678
PhotoDeluxe 2.0 (Win)	TX0004617316
Photoshop CS2 (Win)	TX0006131279
Photoshop Elements 5.0	TX0006389641
Premiere 7.0	TX0005777909
Premiere Elements 3.0	TX0006389647
Premiere Pro 1.5	TX0005931988
Premiere Pro 2.0	TX0006275628
Production Studio 1.0	TX0006277349
Shockwave for Director 5.0.	TX0004700912
Windows PDF Writer.	TX0003893507

EXHIBIT B Trademark Registrations

Trademark Registration No.:	Title of Work:	Rights Owner:
3029061	ADOBE	Adobe Systems Incorporated
2920764	PHOTOSHOP	Adobe Systems Incorporated
3111341	CREATIVE SUITE	Adobe Systems Incorporated
2993457	CO-AUTHOR	Adobe Systems Incorporated
3032288	A	Adobe Systems Incorporated
2983111	VISUAL COMMUNICATOR	Adobe Systems Incorporated
3065143	ADOBE LIVECYCLE	Adobe Systems Incorporated
2725811	ADOBE STUDIO	Adobe Systems Incorporated
2725810	ADOBE STUDIO	Adobe Systems Incorporated
2722546	ADOBE STUDIO	Adobe Systems Incorporated
2557911	CLEARLY ADOBE IMAGING	Adobe Systems Incorporated
2076967	THE ADOBE GROUP	Adobe Systems Incorporated
2081343	A	Adobe Systems Incorporated
2817626	ROUNDTRIP HTML	Adobe Systems Incorporated
2060488	ILLUSTRATOR	Adobe Systems Incorporated
1988712	ADOBE	Adobe Systems Incorporated
1988711	A	Adobe Systems Incorporated
1988710	A	Adobe Systems Incorporated
1961762	AUTHORWARE	Adobe Systems Incorporated
1956216	ADOBE	Adobe Systems Incorporated
1901149	A ADOBE	Adobe Systems Incorporated
1850242	PHOTOSHOP	Adobe Systems Incorporated
1852943	A	Adobe Systems Incorporated
1651380	ADOBE PHOTOSHOP	Adobe Systems Incorporated
1475793	ADOBE	Adobe Systems Incorporated
1487549	ADOBE SYSTEMS	Adobe Systems Incorporated
	INCORPORATED	
1482233	ADOBE SYSTEMS	Adobe Systems Incorporated
	INCORPORATED	
1486895	ADOBE	Adobe Systems Incorporated
1479408	ADOBE ILLUSTRATOR	Adobe Systems Incorporated
1383131	POSTSCRIPT	Adobe Systems Incorporated

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1463458	POSTSCRIPT	Adobe Systems Incorporated
2520435	MACROMEDIA FLASH	Adobe Systems Incorporated
2650911	MACROMEDIA FLASH	Adobe Systems Incorporated
2852245	FLASH	Adobe Systems Incorporated
2855434	FLASH	Adobe Systems Incorporated
2060488	ILLUSTRATOR	Adobe Systems Incorporated
2068523	ACROBAT	Adobe Systems Incorporated
1997398	ACROBAT CAPTURE	Adobe Systems Incorporated
1901566	SHOCKWAVE	Adobe Systems Incorporated
2294926	DREAMWEAVER	Adobe Systems Incorporated
2091087	PAGEMAKER	Adobe Systems Incorporated